




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 20 2014

Office of  
International and  
Tribal Affairs

**MEMORANDUM**

**SUBJECT:** Tribal Consultation Semi-Annual Reporting Call

**FROM:** Jane Nishida  Acting  
Assistant Administrator

**TO:** Assistant Administrators  
Regional Administrators

*EPA's Policy on Consultation and Coordination with Indian Tribes (Policy)* directs each national and regional office to prepare a semi-annual projection of upcoming consultations opportunities. Projections are due on April 1<sup>st</sup> and October 1<sup>st</sup> each year. These projections include both ongoing consultations and consultations expected to commence in the next six months. This semi-annual projection provides tribes with an early notice about EPA intentions to consult on specific issues that may be of interest to tribal governments. The projections also provide an opportunity within the Agency to effectively coordinate consultation efforts across EPA.

Please submit your April 1<sup>st</sup> projections through the Tribal Consultation Opportunities Tracking System (TCOTS) by **April 10, 2014**. As you may recall, TCOTS is the Agency's system for posting all tribal consultation activities. While the Policy outlines a semi-annual projection reporting structure, individual consultation opportunities can be entered at any time. TCOTS is not used to post information on prior consultations (i.e., after the consultation has been completed). If your office has a question about using TCOTS please contact Dona Harris in the American Indian Environmental Office at (202)564-6633.

If your office has no projected consultations for this six-month period, please send a memo to JoAnn Chase, Director of the American Indian Environmental Office, [chase.joann@epa.gov](mailto:chase.joann@epa.gov) affirming this result, no later than April 10, 2014.

In addition to consultation projections, we ask that you provide a summary of consultation success stories that occurred over the last six months. We are looking for success stories where EPA's proposed actions/decisions were changed as a direct result of consultation with the tribe(s). Agency officials use these examples to help illustrate the effectiveness and importance of our consultations with tribal officials. An example of a success story provided by Region 4 is attached. Summaries should be submitted to Dona Harris by April 30, 2014.

Thank you in advance for providing this data in a timely manner.

cc:

Mike Stahl, Deputy Assistant Administrator, OITA  
JoAnn Chase, Director, AIEO  
Tribal Consultation Advisors

## EXAMPLE SUCCESS STORY

Consultation title: Designation for the 2008 Ozone Standard

Consulting Organization: EPA Region 4

Consultation period: 2012

Level of EPA Official participating in the consultation (optional): Director, Air Pesticides and Toxics Management Division, Regulatory Development Section Chief, and staff

The Catawba Indian Nation, located in eastern York County, South Carolina, was included in the Charlotte, NC region's non-attainment area for the 1997 ozone NAAQS. Region 4 consulted with the Catawba Indian Nation regarding the Tribe's designation in the Charlotte non-attainment area for promulgation of the 2008 ozone standard. The Tribe did not believe that the Catawba Indian Reservation met the criteria for designation of a non-attainment area ("does not meet" or "contributes" to an area that does not meet NAAQS) and desired to exercise their Tribal sovereignty by having special considerations given to their unique location and circumstances. At the conclusion of the consultation period, the Catawba Indian Nation submitted a Technical Support Document requesting a separate attainment designation for the 2008 ozone standard in accordance with the EPA Policy for Establishing Separate Air Quality Designations for Areas of Indian Country. The Tribe justified their request with supporting documentation including regional air quality and emissions data, local demographics and statistics, meteorology, regional traffic patterns, and jurisdictional boundary maps. On May 1, 2012, EPA issued their decision on 2008 ozone area designations, including an "unclassifiable/attainment" designation for the Catawba Indian Nation, separate from the surrounding state nonattainment area.

